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Please find below and/or attached an Office communication concerning this application or proceeding.

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Response to Arguments

The After Final Amendment for Claim 1 will be entered for the purpose of appeal. The amendment recites: “the fuse of the second protective element is configured to protect the semiconductor against an overload and has an overload capacity for start-up of the motor”. The ability of the fuse to withstand the start-up over-current conditions was not addressed in the Office Action. However, it is inherent step in the design of the fuse to select it such that it is able to withstand the overcurrent associated with the start-up conditions since otherwise any time the system is activated the fuse would be blown. Thus, the current grounds of rejection will be interpreted as teaching the amended claim language.

Applicant's arguments have been fully considered but they are not persuasive.

Applicant attacks the Office Action for using an inherency concept. The Office Action states following: “In the Kumar device modified according to teachings of Guery et al. the fuse is being incorporated into the same modular structure as the circuit breaker (see above) and any circuit breaker including those of Kumar (126, 134 in Fig. 1) inherently includes the switching element in either electromechanical or semiconductor form, i.e. either contacts operated by electromechanical relay or the semiconductor switching element, since the concept of the circuit breaker is based on interruption of the power supply when some failure occurs, the operation which is impossible without the switch”.

Applicant attacks this statement as follows: “to establish inherency, the extrinsic evidence “must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by person of ordinary skill”.

Examiner believes that person of ordinary skill in the art, i.e. a normal electrical circuit designer would not have any difficulty to recognize that the circuit breaker must include the switching element especially in view of a following definition provided by web Encyclopedia answers.com: “A circuit breaker is an automatically-operated electrical switch designed to protect an electrical circuit from damage caused by overload or short circuit. Its basic function is to detect a fault condition and, by interrupting continuity, to immediately discontinue electrical flow”.

Applicant further alleges that Guery specifically states that “standardization prohibits the use of switches as isolating members”. The Applicant takes this phrase out of context to use it as evidence that Guery “teaches away from use of the switch”.

However, this transitional phrase in Guery is followed by the following statement: “Thus, any installation must associate with the circuit breaker (manual or automatic) a specific device ensuring the isolating function such for example an isolating switch, an isolating fuse holder, isolating terminals, etc. . . .” Moreover, Guery describes his device shown in Fig. 9, as follows: “FIG. 9 is a schematic section of a combined isolating switch-circuit breaker with rotary mobile assembly equipped with a fuse holder”. Therefore even the name of the device includes the term "switch". Therefore, Guery by no means teaches away from using the switch.

Applicant further alleges: “there is no suggestion or motivation to combine the references as proposed due to the teaching away of Guery”. However, Guery by no means discourage someone from use of the switch and therefore there is no teaching away from using the switch.

As to motivation for combining references together the Office Action provided sufficient rationale for that: “It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Kumar device by incorporating the fuse into the integrated structure with the circuit breaker according to teachings of Guery et al. because as Guery et states (col. 1, lines 24 – 31): “any installation must associate with the circuit breaker (manual or automatic) a specific device ensuring the isolating function such for example an isolating switch, an isolating fuse holder, isolating terminals, etc. This addition of an isolating switch therefore increases the complexity of the installation and increases its cost”. Therefore, according to Guery et al. combining the circuit breaker and the fuse in the same integrated structure will reduce the complexity of the structure and cost of the device”.

Applicant further attacks the Examiner statement with regard to the equal width in the modular devices in the Al-Sabah reference (Fig. 13). Applicant recites MPEP 2115: “When the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value”. See *Hockerson-Halberstadt, Inc. v. Avia Group Int 'l*, 222 F.3d 951, 956, 55USPQ2d 1487, 1491 (Fed. Cir. 2000).

However, the same MPEP section further states following: “However, the description of the article pictured can be relied on, in combination with the drawings, for what they would reasonably teach one of ordinary skill in the art”. *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977). In the instant case, the dimensional conclusion was not based only on the picture but on a whole concept of modular design demonstrated by Al-Sabah (col. 2, line 66 – col. 3, line 18). Fig. 3 shows a main power distribution module (22 in Fig. 3) with associated auxiliary power distribution modules (42 in Fig. 3). As clearly shown in the Fig. 3, the flat side walls of the main power distribution module (30 in Fig. 3) essentially spatially coincide with corresponding side walls of the auxiliary power distribution modules. It is true for both ends of the main and auxiliary power modules. Even without proper scaling of the picture, such conclusion may be drawn from the Fig. 3 Drawing in full accordance with *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977).

Moreover, Fig. 3 clearly demonstrates that both the main power distribution module and the auxiliary power distribution modules are essentially flat to the same extend, i.e. none of them is shown bulging with respect to another, which improves the appearance of combined structure.

Besides that the equal width dimensions were stated as a conclusion in the following statement: “(3) making contacting surfaces of the modules of equal width saves a space and allows easy replacement of the modules”. Accordingly, the equal width dimensions are properly established in the Office Action.